

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

JACKSON WOMEN’S HEALTH  
ORGANIZATION, on behalf of itself and its  
patients, *et al.*

Plaintiffs,

v.

MARY CURRIER, M.D., M.P.H. in her  
official capacity as State Health Officer of  
the Mississippi Department of Health, *et al.*

Defendants.

Case No. 3:12-CV-00436-DPJ-FKB

**PLAINTIFFS’ SECOND MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs, by and through their undersigned counsel, respectfully move this Court for injunctive relief beyond the relief granted in this Court’s July 13, 2012, Order, Dkt. No. 27. Specifically, Plaintiffs seek a preliminary injunction against *all* forms of enforcement of the Admitting Privileges Requirement enacted by Mississippi House Bill 1390, including the implementing regulation. *See* Miss. H.B. 1390 § 1 (all physicians associated with an abortion facility must have “admitting privileges and staff privileges to replace local hospital on-staff physicians”), *codified at* Miss. Code Ann. § 41-75-1(f); Miss. Admin. Code 15-6-31:106.04.

It is now clear that Plaintiffs have no hope of being able to comply with the Admitting Privileges Requirement. All of the applications submitted by the two doctors at Plaintiff Jackson Women’s Health Organization have been denied without even reaching the merits of the doctors’ qualifications, and all other efforts have proved fruitless. Accordingly, when the Mississippi

Department of Health resumes its enforcement of the Admitting Privileges Requirement on January 11, 2013, revocation of Plaintiff Jackson Women's Health Organization's license is certain. Plaintiffs understand that an administrative hearing on license revocation could be held as early as February 12, 2013, and accordingly respectfully seek relief prior to that date.

The additional preliminary injunctive relief Plaintiffs now seek is appropriate for the following reasons:

1. This Court has held that Plaintiffs have demonstrated that they are likely to succeed on the merits of their claims; that the injury threatened by enforcement of the Admitting Privileges Requirement outweighs any possible harm to Defendants; and that injunctive relief serves the public interest. Dkt. No. 27.
2. Irreparable harm will flow from the Mississippi Department of Health's continued enforcement of the Admitting Privileges Requirement, including harm from licensure revocation proceedings as well as from license revocation.

In support of this Motion for a Preliminary Injunction, Plaintiffs respectfully submit the following documents:

- A Memorandum of Law in Support of Plaintiffs Motion Preliminary Injunction;
- Second Supplemental Declaration of Shannon Brewer-Anderson dated November 21, 2012 (annexed hereto as Exhibit A);<sup>1</sup>

Plaintiffs request oral argument on this motion.

WHEREFORE, Plaintiffs respectfully request that the Court enjoin any and all forms of enforcement of the Admitting Privileges Requirement during the pendency of this litigation.

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<sup>1</sup> Plaintiffs have redacted certain information from some of the materials submitted as appendices to this Exhibit, in order to protect the privacy of individuals. See Fed. R. Civ. P. 5.2; Local U. Civ. R. of the U.S. Dist. Ct. for the N. Dist. of Miss. and the S. Dist. of Miss. 5.2.

Respectfully submitted this 28th day of November, 2012,

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the clerk of the court by using the Court's CM/ECF system, which will send a notice of electronic filing to counsel for defendants:

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I further certify that a true and correct copy of the foregoing will be mailed to defendant Sherri M. Flowers-Billups.

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